



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 25955N

DATE: August 21, 2006

RESPONSE REQUIRED BY: September 21, 2006

PERMIT MANAGER: Philip A. Shannin PHONE: 415-977-8445

Email: Philip.A.Shannin@usace.army.mil

1. INTRODUCTION: Bodean Company, 1060 N. Dutton Avenue, Santa Rosa, California 95401-5038 (Contact: Bill R. Williams, (707-576-8205), has applied for a Department of the Army permit to excavate and regrade approximately 900 to 1,000 linear feet of intermittent stream, in order to expand its current 32 acre Blue Rock Quarry hard rock mining operation, by 24 acres. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

The Blue Rock Quarry expansion would expand current quarry operations across 24 acres of hillside woodlands, located adjacent to their current operation. The mined material is commercially sold as aggregate, for road base, pipe bedding, and asphalt production. The headwaters of one intermittent stream will be excavated and regraded, along a 900 to 1000 foot segment, during this quarry expansion. This quarry is located at 7888 Highway 116, in the Town of Forestville, Sonoma County, California (Figures 1, 2, and 3). Highway 116 borders the quarry, with vacant woodland hillside to the south, west and east of the quarry.

The advance of the mining face into the stream will be accomplished using excavators, pulling material into the working quarry. Upon excavation of the stream, fill will be used to construct two berms (Figure 5). The first berm (Fill Area B) will be located on the southern most portion of the project area. The second berm to be constructed will be located on the southwestern portion on the project area (Fill Area A). The storm flow from the excavated stream would be redirected into the quarry, with the southern berm blocking the flow of mining debris, into the untouched downstream segment of the creek.

Quarrying will take place in a continuous operation with reclamation taking place as mining is complete. It is estimated that site will be fully mined after twenty years, if market demand continues at present levels. After the mining is complete, the project area will be reclaimed to open space.

The Corps has begun discussions with the applicant about possible mitigation proposals for the loss of stream. The applicant has suggested the possibility of providing enhancement of Green Valley Creek, which is the receiving waters of the

creek, proposed for excavation. Further details of this mitigation have not yet been provided to the Corps.

3. OTHER STATE AND FEDERAL PERMITS:

Water Quality Certification - Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the North Coast Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification.

The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

4. ENVIRONMENTAL ASSESSMENT: The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

If cultural properties listed or eligible for listing on the National Register of Historic Places are identified on the project site, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat.

No endangered species or critical habitat is located within the project area. The waters on site currently flow into Green Valley Creek, which provides habitat for endangered salmonids. However, the construction of a berm during the dry season and subsequent rerouting of the water will prevent sediment from entering the creek and affecting salmon. Once the sediment is removed from the rerouted water, the water will be returned to Green Valley Creek, thereby preventing the loss of water volume that would affect salmon. Given these measures, the Corps has determined that the project shall have no effect on endangered species or their habitat.

5. EVALUATION OF ALTERNATIVES: Evaluation of the proposed activity's impact will include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water dependent.

6. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

8. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Philip A. Shannin of our office at telephone 415-977-8445 or E-mail: Philip.A.Shannin@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.

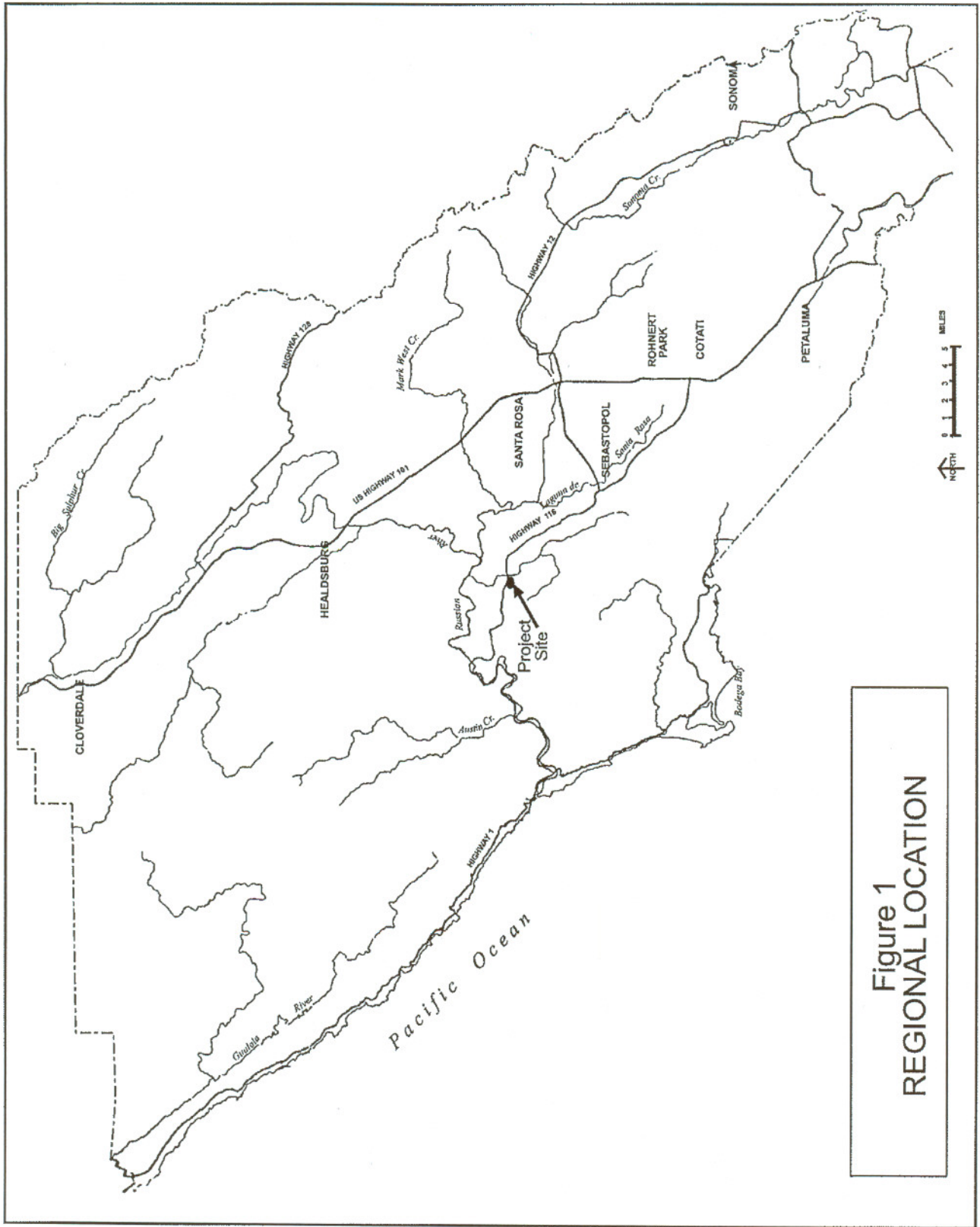


Figure 1
REGIONAL LOCATION

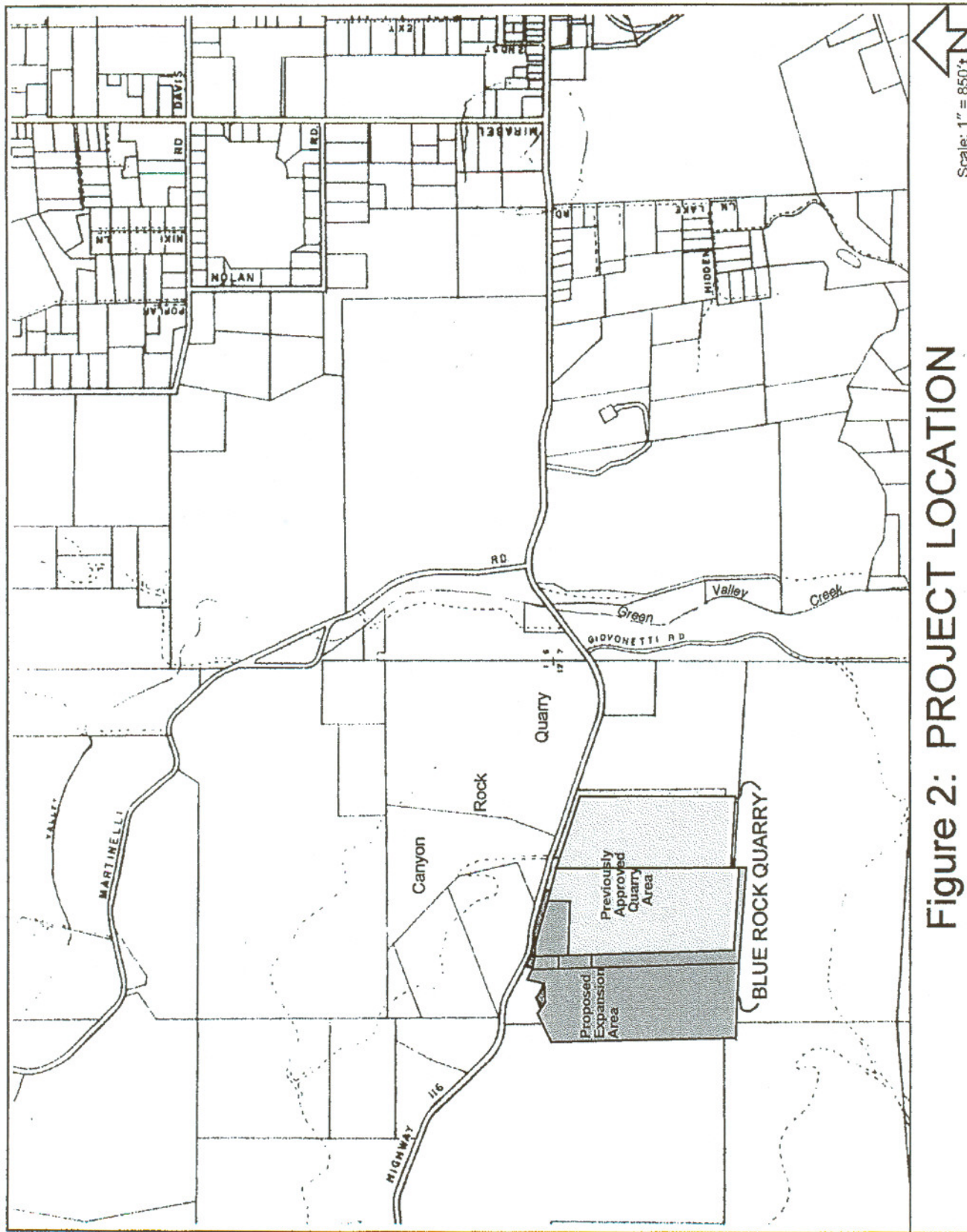
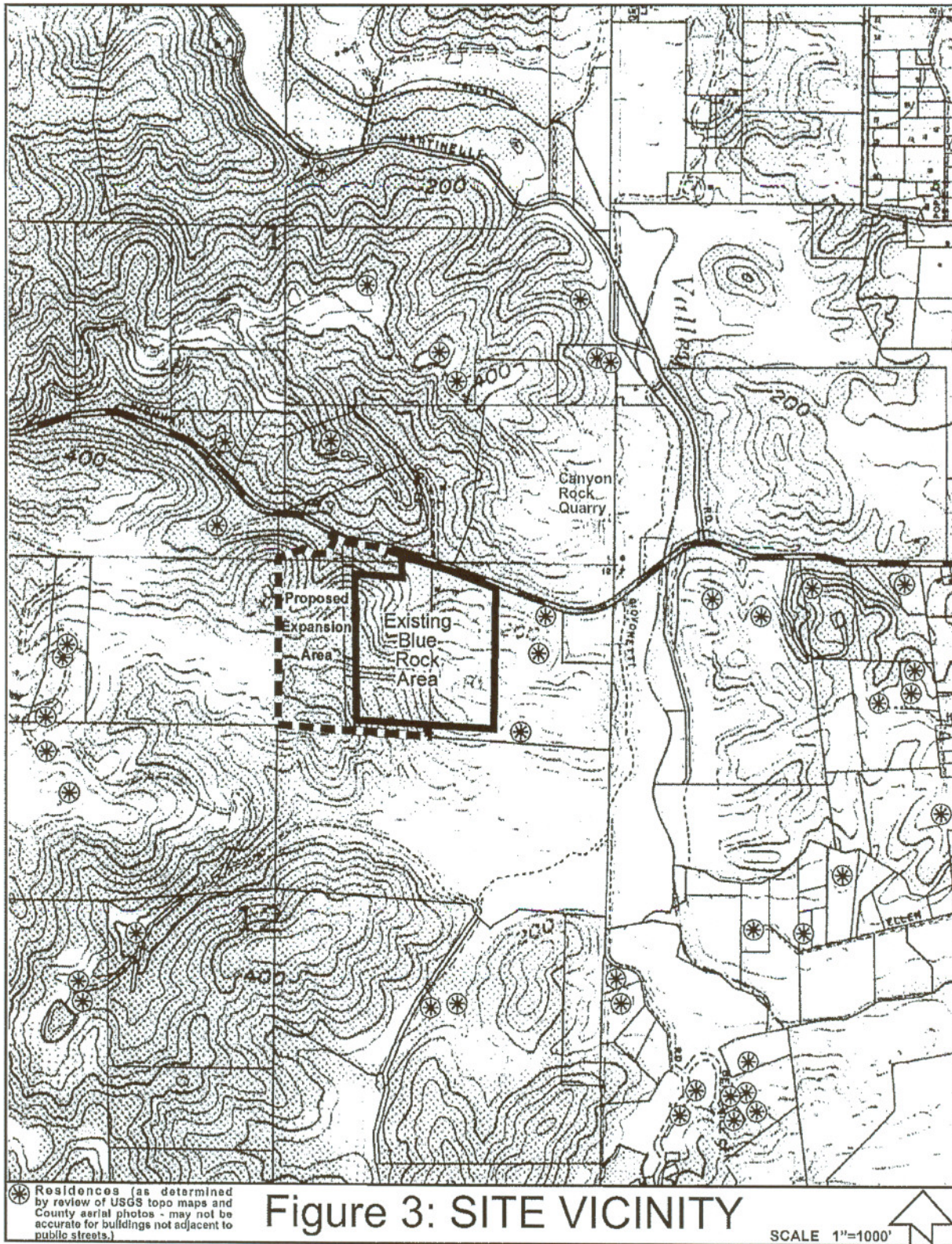


Figure 2: PROJECT LOCATION



DEPARTMENT OF THE ARMY

San Francisco District, Corps of Engineers

333 Market Street, **CESPN-CO-R**

San Francisco, California 94105-2197

1ST CLASS MAIL